

WG/Paper No. 4*
26 March 1975

GROUP OF 77 OF THE THIRD COMMITTEE

ARTICLE I

1. States have the obligation to protect and preserve the marine environment.
2. International or regional organizations concerned with the matters relating to preservations of the marine environment shall exercise their functions and discharge their obligations in accordance with the provisions of these articles.

ARTICLE II

The coastal State has in and throughout its economic zone or the area under its national jurisdiction and/or sovereignty (hereinafter referred to as the "zone") the rights and duties specified in these articles for the purposes of protecting and preserving the marine environment and preventing and controlling pollution thereof.

ARTICLE III

1. States shall co-operate on a global basis and as appropriate on a regional basis, directly or through competent international organizations, global or regional, to conclude treaties, and formulate rules, standards and recommended practices and procedures consistent with this Convention for the prevention of marine pollution, taking into account characteristic regional features, the economic capacity of developing countries and their need for economic development.
2. States shall promote the establishment of regional machinery, in which the countries situated within a geographical area of similar characteristics and with common interests are represented, to centralize and co-ordinate at that level the various aspects of the protection and preservation of the marine environment.
3. States shall co-operate directly or through competent international or regional organizations for the monitoring, measurement, analysis, assessment of pollution sources, sources, pathways, exposures, risks and remedies and timely exchange and dissemination of information and data acquired concerning the pollution of the marine environment.
4. When requested by the State concerned, States shall, directly or through competent international or regional organizations, co-operate with and assist one another in eliminating the effects of pollution as well as in preventing or minimizing damage to the marine environment, irrespective of the origin of such pollution.
5. States shall co-operate, directly or through competent international or regional organizations for the purpose of promoting studies and undertaking programmes of scientific research, outside the zone, concerning the pollution of the marine environment.

* Comprises WG/Papers Nos. 1, 2 and 3 dated 9, 13 and 14 August 1974 respectively.

GE.75-65310

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ARTICLE IV

1. States shall take all necessary measures to prevent pollution of the marine environment from any source, using for this purpose the best practicable means in accordance with their capabilities, individually or jointly, as appropriate, and according to their own environmental policies.
2. States shall take all necessary measures to ensure the activities under their jurisdiction or control do not cause damage to areas beyond their national jurisdiction, including damage to other States and their environment, by pollution of the marine environment.
3. The measures taken pursuant to these articles shall deal with all sources of pollution of the marine environment whatsoever. These measures shall include inter alia:
 - (a) those designed to minimize to the fullest possible extent, the release of toxic and harmful substances, especially those which are persistent:
 - (i) from land-based sources;
 - (ii) from or through the atmosphere;
 - (iii) by dumping.
 - (b) those designed to minimize to the fullest possible extent pollution from vessels arising from their operations, in particular for preventing accidents, for ensuring the safety of operations at sea, for preventing intentional or other discharges, regulating the design, construction, equipment, operation and manning of vessels.
 - (c) those designed to minimize to the fullest possible extent pollution from installations and devices used in the exploration and exploitation of the natural resources of the sea-bed and subsoil and water column, in particular for preventing accidents, for ensuring the safety of operations at sea, for dealing with emergencies and for regulating the design, construction, equipment operation and manning of such installations or devices.
 - (d) those designed to minimize to the fullest possible extent pollution from other installations or devices operating in the marine environment, in particular for preventing accidents, for ensuring the safety of operations at sea, for dealing with emergencies and for regulating the design, construction, equipment, operation and manning of such installations or devices.
4. The measures taken pursuant to these articles shall take into account appropriate geographic, ecologic, economic and other relevant factors.

ARTICLE V

In taking measures under these articles to prevent marine pollution, States shall guard against the effect of transferring damage or hazard from one area to another.

ARTICLE VI

In the event of actual or imminent danger or pollution arising from activities or incidents outside the zone, the coastal State shall have the right to take appropriate measures of self-protection, including those necessary to prevent, mitigate or eliminate that danger.

Approved For Release 2001/09/06 : CIA-RDP82S00697R000400060001-9

[Alternative version]

for dealing with emergencies and for regulating the design, construction, equipment, operation and manning of such installations or devices

4. The measures taken pursuant to these articles shall take into account appropriate geographic, ecologic, economic and other relevant factors.

5. In taking measures under these articles to prevent marine pollution, States shall guard against the effect of transferring damage or hazard from one area to another.]

ARTICLE V

Within the zone, the coastal State shall have the sovereign right to explore and exploit the marine resources pursuant to its environmental policies and in accordance with the provisions of these articles.

ARTICLE VI

In the event of actual or imminent danger of pollution arising from activities or incidents outside the zone, the coastal State shall have the right to take appropriate measures of self-protection including those necessary to prevent, mitigate or eliminate that danger.

ARTICLE VII

1. Within the zone, the coastal State shall have jurisdiction, in accordance with these articles, to establish and adopt laws and regulations and to take administrative and other measures in respect of the activities of all persons, natural and juridical, vessels, installations and other entities for the purposes set out in article II.

2. The coastal State shall have the right to enforce in the zone laws and regulations enacted in accordance with paragraph 1 of this article.

3. (a) In respect of pollution of the marine environment from land-based sources and from installations or devices engaged in the exploration and exploitation of the natural resources of the sea-bed and subsoil, the laws and regulations of the coastal State shall take into account internationally agreed rules, standards and recommended practices and procedures.

(b) The laws and regulations of the coastal State relating to ship generated pollution, including those relating to vessel design, construction, equipment, operation and manning:

- (i) shall conform to internationally agreed rules and standards;
- (ii) in respect of any "special area" designated by the competent organizations, shall conform to the régime for that area in so far as it falls wholly or partially within its zone; and
- (iii) to the extent that they relate to vessel design, construction equipment and manning, may be additional to or more stringent than the relevant internationally agreed rules and standards in relation to a marine area within its zone for which no "special area" régime has been established through the competent international organization and where particularly severe climatic conditions create obstructions and exceptional hazards to navigation, and where pollution of the marine environment, according to accepted scientific criteria, could cause major harm to or irreversible disturbance of the ecological balance;

- (iv) to the extent that they relate to intentional or other discharges of pollutants from vessels may be additional to or more stringent than the relevant internationally agreed rules and standards in a marine area where for recognized technical reasons in relation to its oceanographical and ecological conditions and to the particular character of its traffic the adoption of special mandatory methods for the prevention of marine pollution is required.

(c) Laws and regulations adopted pursuant to the provisions of paragraph 3 (b) of this article shall be reasonable and non-discriminatory in character. In formulating such additional laws and regulations, the coastal State shall co-operate with competent international organizations. In the event of the competent international organization failing or delaying to adopt such additional or more stringent rules and regulations, the coastal State may take necessary measures for self-protection, pending further efforts to have such measures internationally agreed.